

IPIB Monthly Column

January 7, 2021

Margaret Johnson, Executive Director

Question: I want the record right now. How much time does the public agency have to produce a requested record?

Answer: Chapter 22 does not set a specific time requirement for the fulfillment of a public records request. The time to locate a record can vary considerably depending on the specificity of the request, the number of potentially responsive documents, the age of the documents, the location of the documents, and whether documents are stored electronically. The large number of variable factors affecting response time makes it very difficult, and probably unwise, to establish any hard and fast objective standards.

The only specific response time standard established by the statute is in Iowa Code subsection 22.8(4)(d), which allows a good-faith reasonable delay of not more than 10 business/20 calendar days in order to determine whether a confidential document should be released.

The Iowa Supreme Court offered this guidance: “... (P)ractical considerations can enter into the time required for responding to an open records request, including ‘the size or nature of the request.’ But the records must be provided promptly, unless the size or nature of the request makes that infeasible.” *Horsfield Materials, Inc. v. City of Dyersville*, 834 N.W.2d 444, 461 (Iowa 2013).

Best Practices: Communication between lawful custodians and records requestors is strongly encouraged. Communication and cooperation can reduce disagreements over responsiveness to records requests including issues of timing, redaction, and completeness. It is recommended that the custodian:

1. Contact the requestor to acknowledge receipt of the request immediately and provide a probable timeline for record release.
2. Make additional contact in the event of a potential delay to discuss possible ways to process the request in a timely manner.
3. Work diligently to retrieve and release the records.
4. Release records as they are ready unless the requestor has asked that the records be compiled and then released together.

Board Members

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Did You Know that the Iowa Public Information Board staff is available to assist you with questions or problems involving open meetings and public records in Iowa? During the month of December 2021, 50 contacts were made with the Iowa Public Information Board office.

TYPE	December 2021
Formal complaints	12
Advisory opinions	1
Declaratory orders	0
Informal complaints	5
Informal requests	24
Miscellaneous	8
TOTAL:	50

Who can contact the IPIB and how long does it take? Any person can contact the IPIB for assistance by telephone (515-725-1781), by email, or on the IPIB website. In 2021, 697 identifiable people have contacted the IPIB. Of these, 377 were private citizens, 242 were government officials or employees, and 78 were members of the media. In 2021, 68% of the incoming contacts were resolved the first day, 13% were resolved in one to five days, and 19% were resolved in six or more days. Opinions, rulings, FAQs, reports, and training documents are available on the IPIB website – www.ipib.iowa.gov.